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To: [Eric Blischke/R10/USEPA/US@EPA](#)
Subject: RE: Follow-up from MOU and Milestone Meetings
Date: 02/14/2008 08:21 AM

Nice job, Eric.
Jim

-----Original Message-----

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Subject: Follow-up from MOU and Milestone Meetings

I wanted to send this email to follow-up on some of the messages related to the Portland Harbor RI/FS - in particular some of the issues we are currently facing and some perspectives on the project schedule.

Project Status: Two significant milestones were completed for the project in 2007. First, the Comprehensive Round 2 Report was submitted on time. Second, the agreed upon Round 3A and 3B sampling was essentially completed. I would like to thank everyone involved in the project for their contribution to this effort. In addition, the majority of our comments on the round 2 report were submitted to the LWG on January 15, 2008. Although a number of comments related to the ecological risk assessment are still under development, our comments have set the stage for the development of the draft RI and Baseline Risk Assessment Reports by the end of 2008. As was noted during the meetings, we believe that we are at the point where we are completing the RI and risk assessment portion of the project and entering into the FS part of the project. As we move farther down the FS path, we see greater opportunities for integrating the in-water work with the upland source control and NRDA components of the project.

Issues Identified by the LWG: The LWG has identified 9 key issues based on an initial review of our comments on the Round 2 Report. These issues were teed up during Tuesday's Milestone Meeting. I have summarized the issues below:

Surface water as drinking water source. EPA directed the LWG to evaluate Willamette River surface water as a drinking water source. This exposure scenario was not included in the programmatic work plan. The LWG does not believe that the Willamette River as a source of drinking water represents a reasonable potential future use. It is worth noting that MCLs are not exceeded in surface water and that the only tap water PRGs that are exceeded are for arsenic, dioxin and carcinogenic PAHs.

TZW: EPA directed the LWG to evaluate TZW as a source of contamination to the river and to evaluate TZW itself with respect to risks associated with uptake of contaminants by biota (i.e., clams and crayfish) and subsequent ingestion by humans. In addition, EPA also directed the LWG to evaluate direct effects on the benthic community through a comparison with ambient water quality criteria. In both instances, EPA stated that TZW would be evaluated as a line of evidence in the risk assessment along with other LOEs such as biota tissue and bioassays. The LWG has stated that it is not defensible to apply AWQC on a point by point basis nor to defer to AWQC when biota data are available. In addition, the LWG has asked for clarification on the use of 90 cm and unfiltered TZW results. The LWG also disagrees with our rejection of the dilution factors applied to AWQC (e.g., 10X dilution based on the difference between fish and invertebrate ventilation rates).

Clam Consumption: EPA directed the LWG to consider a clam consumption exposure scenario in the HHRA. This exposure scenario was not included in the programmatic work plan. The LWG has objected to this scenario previously. Fundamentally, the LWG questions the source of the information EPA has used to justify inclusion of the exposure scenario.

Uncertainty Discussion: EPA directed the LWG to remove certain qualifying statements from the risk characterization portion of the risk assessment (e.g., the selected fish consumption rates are overly conservative). EPA maintains that this information is more appropriately presented in the uncertainty section of the risk assessment. The LWG maintains that EPA guidance states that "the discussion of uncertainty is a very important component of the exposure assessment" and "each of these sources (of uncertainty)

should be discussed in the summary section of the exposure assessment.'' (RAGS A: Section 6.8).

Study Area Boundary: EPA currently views the study area boundary as extending from RM 1 to RM 12.2 and including the upper mile or so of Multnomah Channel. The LWG maintains that this is outside the current boundaries of RM 2 - 11. The LWG proposes looking at the downstream areas as part of the contaminant migration evaluation. The LWG also agrees with including the area between RM 11 and 12.2 in the RI and RA but does not feel it is appropriate to include this area in the FS and that EPA should work with appropriate parties under a separate administrative process. We maintain that sources of contamination upstream of RM 11 that are not being addressed in some manner (i.e., through a separate administrative process) should be included in the PH FS.

Background: EPA has directed the LWG to include an evaluation of background in the draft RI report. We maintain that data collected between RM 15 and Willamette Falls is the most appropriate data set for this evaluation. The LWG would like to discuss options for the determination of background and requests clarification on EPA's anticipated use of the background data.

Degradation Rates: EPA has directed the LWG to not consider chemical degradation for chemicals that are not known to degrade appreciably (e.g., metals, PCBs, PAHs, chlorinated pesticides and dibenzo dioxins and furans). EPA maintains that these degradation rates vary widely and are generally unknown. The LWG disagrees that the uncertainty surrounding degradation rates precludes their use.

Riparian Soils: EPA commented that further evaluation of riparian solid data is required. The LWG has requested clarification on what is being required in terms of evaluation and whether this is an upland source control or LWG responsibility.

RI Data Presentation: EPA directed the LWG to present a larger subset of chemicals than the 23 indicator chemicals presented in the Round 2 Report. In addition, EPA commented that the LWG should consider ways to streamline the data presentation. The LWG responded that presenting detailed figures for an extensive list of chemicals is a significant effort of questionable value. EPA also commented that information should be presented relative to risk based criteria. The LWG responded that waiting for RBCs prior to development of site figures could result in schedule delays.

Of the above issues, we believe that four of the issues may be resolved through technical discussions (background, degradation rates, riparian soils, and RI data presentation). Two issues are moderately complex and are somewhat intertwined with the more problematic issues (TZW and Uncertainty). Three of the issues will require some policy decisions (surface water as a drinking water source, clam consumption and the study area boundary. Of all the issues, the surface water as a drinking water source is most problematic.

Project Schedule: Project schedule continues to be a concern. June 1, 2008 has been identified as the date by which all the RI data will be locked down and the drafting of the draft RI and Risk Assessment reports by the LWG must begin. Although we were generally successful in getting the Round 2 Report submitted and reviewed and the field work completed, there is a need to resolve outstanding issues related to the draft RI and Risk Assessment Reports by June 1, 2008. This includes the nine issues above as well as any issues that come out of the ecological risk assessment problem formulation. In addition, a concern has been raised regarding the timing of the FS report. The current schedule calls for submittal of the draft FS by June 2009. We will need to find ways to streamline the development of PRGs for the FS in order to keep this piece on schedule.

Next Steps: Over the next three to four months, we will be working with the LWG and senior management to resolve the above 9 issues and reach agreement on how to perform the ecological risk assessment. No small task. In addition, we will begin teeing up many of the FS issues so that we can develop a path forward that results in the submittal of a draft FS by the middle of 2009.

I hope this summary helps. If you have any questions or comments, please contact me.

Thanks, Eric.